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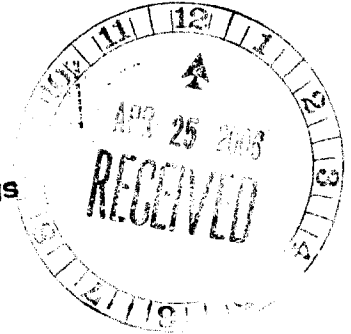
April 19, 2006

Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

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ENTERED
Office of Proceedings

APR 25 2006

Part of
Public Record



BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad Abandonment, DALLAS County, Iowa;
Docket # AB-33 (Sub-No. 213X) between milepost 296.8 near Waukee to
milepost 275.9 (equation M.P 275.9=361.8) near Perry, and from milepost
361.8 to milepost 369.0 near Dawson, Dallas County, Iowa.

Motion to Extend the Time Period for Negotiation of an
Interim Trail Use/Railbanking Agreement

This letter is to confirm that on April 10, 2006 the Iowa Natural Heritage Foundation (INHF) has submitted a request to extend the time period to negotiate an Interim Trail Use and Railbanking agreement for the above noted corridor, and that this notice was submitted **on behalf** of the Dallas County Conservation Board. Together the two agencies hereby move the Surface Transportation Board (STB or Board) to extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding up and including **October 22, 2006**.

The Iowa Natural Heritage Foundation has been negotiating with the Union Pacific Railroad (UPRR) on behalf of the Dallas County Conservation Board, but the parties need additional time to complete the appraisals and finalize negotiations.

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Members of the Board

Shirley Kiefer

Doug Volz

Craig Fleishman

Dennis Sondgeroth

Ray Harden

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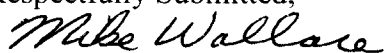
To successfully preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d), it is necessary for the negotiation period under the NITU to be extended up to and including October 22, 2006. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub. No. 13b) (ICC served Feb. 5, 1990) (extensions of time promote the establishment of trails and railbanking consistent with the National Trails System Act).

Since the issuance of the NITU, UPRR at all points has maintained intent to transfer the line intact for interim trail use. The railroad has not sold, or offered for sale, any parcels of land that would interfere with interim trail use and railbanking of the portion of the corridor that is covered by the NITU. The line remains intact and throughout the period, the railroad has been negotiating with INHF for the transfer or sale of the corridor intact. Accordingly, the Board retains jurisdiction to extend the NITU to continue bona fide and active negotiations for interim trail use of the line.

In similar instances, this Board has reopened proceedings to permit the issuance of orders implementing section 8(d) for rail lines. The STB's authority to extend a NITU was upheld in Birt v. STB, 90 F.3d 580 (D.C. Cir. 1996). Here the parties merely seek and extension in the period for negotiation provided in a previously issued NITU. Such an extension will promote and further the purposes of the Trails Act.

For the reasons stated the Dallas County Conservation Board and Iowa Natural Heritage Foundation request that an extension of the NITU negotiation period be granted through **October 22, 2006**.

Respectfully Submitted,



Mike Wallace

Director

Dallas County Conservation Board